

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, FEBRUARY 1, 2006 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Jason Kelley, Ron Santos, Ramona Kohlmann (recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 05-40 (SHELL STATION BEER AND WINE SALES)**

APPLICANT: Rania Danabreh, 18502 Beach Boulevard, Huntington Beach, CA 92648  
PROPERTY OWNER: Keller Limited Partnership, 9911 Anthony Place, Beverly Hills, CA 90210  
REQUEST: To permit the sale of beer and wine for off-site consumption at an existing convenience store/gas station.  
LOCATION: 18502 Beach Boulevard (southeast corner of Beach Boulevard and Ellis Avenue)  
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff stated that the Police Department has indicated that they will address any concerns through the ABC licensing process.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. Staff stated that three letters have been received from neighboring residents expressing concern related to the concentration of alcohol sales in the area.

## **THE PUBLIC HEARING WAS OPENED.**

Rania Dahabreh, 18502 Beach Boulevard, applicant, spoke on behalf of the proposed project and stated assurance that they intend to abide by the State Alcoholic Beverage Control Board (ABC).

Kathy Craig, 9081 Forelle Drive, neighboring property owner, voiced concern related to off-site consumption and asked what concerns will be addressed by the Police Department with the ABC.

Brandon Hwang, 8031 Ellis Avenue, spoke in opposition to alcoholic beverages being sold in a gas station.

One member in the audience stated that he was present to support the proposed project.

## **THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mary Beth Broeren, Zoning Administrator, explained how the ABC licensing process differs from that of the City permitting process. Ms. Broeren advised that the ABC has their own notification process and that neighboring property owners will be notified accordingly. She stated that if the Zoning Administrator approves the request, any further questions would need to be addressed to the ABC.

Ms. Broeren and staff engaged in discussions concerning the Police Department and a chart presented by Mr. Hwang depicting various establishments in the vicinity engaged in selling alcohol. She stated that she is aware of the concerns as related to the request and advised that any noise or alcohol related complaints would be handled by the Police Department.

Ms. Broeren stated that the Police Department did not recommend a denial, therefore, she concurs with staff's findings for approval in support of the request.

## **CONDITIONAL USE PERMIT NO. 05-04 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the operation of an existing commercial business involving negligible or no expansion of use beyond that previously approved.

### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-40:**

1. Conditional Use Permit No. 05-40 for the establishment, maintenance and operation of the sale of beer and wine for off-site consumption at an existing convenience store/gas station will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not generate noise, traffic, demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the subject property. The convenience store is located within an existing commercial area and will be ancillary to the sale of convenience items and gas. No expansion of the convenience store is proposed.
2. The conditional use permit will be compatible with surrounding uses because the gas station with proposed alcohol sales is located within a commercial area and is surrounded by existing retail uses. It is also buffered from the nearest residential use to the northeast by approximately 100 feet across Ellis Avenue.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Alcohol sales is permitted in the CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the Zoning and Subdivision Ordinance.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F2-d (Commercial General - .50 Maximum Density – design overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
  - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate an existing development by allowing the addition of alcohol sales to a permitted land use (convenience store/gas station). The proposed use will serve the needs of local residents and visitors to the City by providing for an additional retail service.

### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-40:**

1. The site plan, floor plans, and elevations received and dated November 10, 2005 shall be the conceptually approved design and layout.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

3. There shall be no loitering or consumption of alcoholic beverages permitted on the premises.
4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations or floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**THE MEETING WAS ADJOURNED AT 1:45 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, FEBRUARY 8, 2006 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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